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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,645	01/10/2001	Jeffrey Allen Hamilton	007216-7	9524

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THE MCCALLUM LAW FIRM, LLC
132 KOLAR COURT
ERIE, CO 80516

EXAMINER

TANG, SON M

ART UNIT PAPER NUMBER

2632

DATE MAILED: 07/15/2004

24

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/758,645

Applicant(s)

JEFREY ALLEN HAMILTON

Examiner

Son M Tang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20,22,23,26-32,34-42,44-49,51 and 52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20,22,23,26-32,34-42,44-49,51 and 52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1- 20, 22-23, 26-32, 34-42, 44-49 and 51-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Mackey et al.** [US 6,141,611] in view of **Gehlot** [US 6,163,277].

Regarding to claim 1: Mackey et al. disclose a device which met by a computer of an insurance company [25], for wireless code access of incident data including video from a remote vehicle continuous incident recording system [14] that located on a vehicle [10] as shown in Fig. 1, and an Abstract, and col. 2, lines 35-40,

Mackey et al. does not specific show that the computer [25] comprises an interface and a transceiver for transmitting code to and receiving data from the remote incident recording system. It is obvious of one having ordinary skill in the art would recognize that the computer 25 requires a transceiver, data link (antenna) and a keyboard in order to access and receive information data from an Internet, or it can be employed with other compatible components (such as modem, antenna or satellite) in the system as well.

Mackey et al. fail to specify that the device be adapted for mobile use. Mobile system is known in the art of Gehlot, which teaches a monitoring system [60] that adapted to use on a police vehicle [10] for downloading information data directly from a

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civilian vehicle [12] [as shown in Fig. 1 and col. 3, lines 19-21, col. 5, lines 11-18 and col. 7, lines 55-62]. Since, the mobile system above can be used for monitoring and downloading information from other system, it is obvious that the system can be configured to perform more than that (such as downloading video data). Thus, it would have been obvious of one having ordinary skill in the art at the time the invention was made to modify the mobile device [60] on police vehicle as taught by Gehlot into the system of Mackey et al. for more convenience, further more, since they both use for communication and retrieve data, it is perfectly to combine both references.

Regarding to claim 2: Mackey et al. further disclose a data storage device [28].

Regarding to claim 3: the claimed "information storage device is a hard disk drive" is inhered in the system on-board the vehicle see Fig. 2.

Regarding to claim 4: Mackey et al. further disclose a processor includes a lock device to lock the memory so that altered data cannot be stored (overwritten) [as cited in col. 3, lines 40-43].

Regarding to claims 5-6 and 14-16: Mackey et al. further disclose the vehicle information comprises vehicle identification, time, dynamic, control, and video information [as cited in col. 2, lines 54- 55 and Summary of the Invention].

Regarding to claims 7-13: Mackey et al. disclose a computer 25 uses to retrieve video information, it obvious of one ordinary skill in that art would recognize that the computer 25 should have a screen monitor for viewing information display includes audio information.

Regarding to claims 17-20: Mackey et al. and Gehlot disclose the instant invention above, they fail specify a second transceiver, as stated in claim 1 above that, the computer 25 requires a transceiver or compatible component for communicating on an Internet.

Mackey et al. and Gehlot both are failing to show wherein the transceiver includes a download trigger for initiating downloading of information in respond to the occurrence of a predetermined event.

As stated in col. 2, line 30-35 by Mackey et al. that the incident recording system is automatic transmits data information to the data base upon an incident occurred. It would have obvious of one having ordinary skill in the art would recognize that the incident recording system is pre-program the occurrence of a predetermined event (such as accident) and transmits data to the base station, therefore, at the base station the transceiver triggered the receiver to receive data information from the incident recording system.

Regarding to claims 22-23: Mackey et al. further disclose that the incident recording system includes encrypted information [cited in col. 3, lines 31-32], Mackey et al. does not specify about decrypt information, however, it would have been obvious of one having ordinary skill in the art would recognize that in order to read the encrypted information the system would have to decrypt the information prior to retrieve.

Regarding to claims 26-27: Mackey et al. further disclose a transmission link via satellite [cited in Fig. 1 and Abstract].

Regarding to claims 28-30: Refer to claims 17-20 above.

Regarding to claims 31-32: Refer to claim 1 above.

Regarding to claim 34: Mackey et al. and Gehlot disclose the instant invention, except for wherein the secure location is a hospital, police station or fire station. However, as long as the data information is being transmitted and retrieved, whether is being used for hospital, police or fire fighter is consider as an obvious of intention use.

Regarding to claim 35: Mackey et al. and Gehlot disclose the instant invention, they are not specify wherein the interface is a limited access interface. It is obvious of one having ordinary skill in the art would recognize that each interface has it own limited speed for access information (e.g. 56K modem).

Regarding to claims 36-42, 44-49 and 51-52: The claimed method steps are interpreted and rejected as rejection stated above.

Conclusion

1. Applicant's arguments, see 23, filed 4/29/04, with respect to the rejection(s) of claim(s) 1-20, 22-23, 26-32, 34-42, 44-49 and 51-52 under 35 U.S.C 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of further explanation of a prima facie case of obviousness.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cannon et al. [US 6,408,232] and Lemelson et al.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son M Tang whose telephone number is (703)306-5970.

The examiner can normally be reached on 4/9 First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J Wu can be reached on (703)308-6730. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

Son Tang


DANIEL J. WU
PRIMARY EXAMINER 7/11/04